

From: [Caleb Moore](#)
To: [KELLY GONGLOFF](#)
Cc: [Megan Piechowiak](#)
Subject: Re: New Contact
Date: Wednesday, October 5, 2016 3:42:08 PM
Attachments: [image001.gif](#)

Kelly:

It was really nice meeting you also.

I talked to my client, his response was, "That's awesome, I bet I know which properties this is about." He thinks it would be beneficial to all... the more litigation Ferguson has to deal with. So I'm in. I have no problem with you being the go between, for that matter, you can hire me if you have that authority, or I can give you my contract and you can get it signed by him and to the extent possible I can run all issues in the case through you other than depo prep or something like that.

I have two or three clients who are out of state and their out of state attorneys hired me for various Texas issues and I have never met or spoken to my actual client beyond an email or 2.

I will be able to use probably 30%-50% of my existing petition on file if I get hired.

I can come over to your office and go through the file with you on Friday morning this week if you want. After that, I am free anytime on Wednesday.

Retainer would be \$3,000.00 to start. The meeting would be billed and the purpose would be to get me the needed documents and get you the list of info I need you to get from our client. I would say an hour would cover it. I have no problem with you coming here if you prefer that.

Just let me know what works best. I don't need to see anything to decide whether I want it or not, I do.

The only reason I would have to talk to client is to make sure he has a clear understanding of what litigation can look like as far as time, cost and pros and cons. I can do that on the phone or I can email a summary to him.

Let me know.

Kind Regards,

Caleb Moore



Law Firm of Caleb Moore, PLLC

2205 Martin Drive, Ste 200

Bedford, TX 76021

Telephone: (817) 953-2420

Facsimile: (817) 581-2540

By Appointment Only

This electronic mail message is intended only for the use of the individual or entity to which it is addressed. This electronic mail message contains information from the LAW FIRM OF CALEB MOORE, PLLC and may be subject to attorney-client privilege, attorney work product or other privilege under applicable law. Any dissemination, copying or use of this electronic mail message by or to anyone other than the recipient(s) designated by the sender is unauthorized. If you have received this electronic mail message in error, please notify the sender by telephone or reply electronic mail and permanently delete this communication from your system.

On Wed, Oct 5, 2016 at 12:37 PM, KELLY GONGLOFF <KELLY@gplawandtitle.com> wrote:

Good morning,

It was great talking with you. It definitely sounds like you would be the perfect fit for our client's matter. Even if we receive the check, our client may still wish to proceed with the lawsuit in order to resolve the ongoing issues with accounting for the joint venture. (UPDATE: Actually, I just got off the phone with him, and he definitely wants to proceed with the lawsuit, he does not want to continue dealing with the other party.) Hopefully, we receive our check by Friday, but I will update you on our status.

If you obtain your client's consent to represent Mr. Frazier, can we set up something (any day next Wed – Fri)? I can bring you the case information, and try to answer any questions you have. If you prefer I can forward what I currently have before our meeting. Just let me know.

As I mentioned, Mr. Frazier would prefer that I handle the initial meeting and case startup, but he will meet with you should you decide to take his case and once you are up to speed with the issues. Please let me know the logistics on when you would like to meet with him, or if you are willing to do a conference call with him.

Thanks again for returning my call,

Kelly Gongloff

Attorney | Escrow Officer

Gongloff | Piechowiak Law, PLLC (a closing office for Integrity Title)

1701 W. Northwest Highway, Suite 100 #35

Grapevine, Texas 76051

www.GPLawandTitle.com

[\(682\) 651-8158](tel:(682)651-8158) (phone)

[\(682\) 777-8130](tel:(682)777-8130) (direct)

[\(469\) 294-8706](tel:(469)294-8706) (fax)

IF YOU ARE A CLIENT, THE ATTORNEY-CLIENT PRIVILEGE PROTECTS THIS EMAIL. THIS EMAIL ALONE DOES NOT CREATE AN ATTORNEY-CLIENT RELATIONSHIP. IF YOU HAVE RECEIVED THIS EMAIL BY MISTAKE, WE WOULD APPRECIATE IT IF YOU WOULD REPLY TO LET US KNOW, AND THEN DELETE THE EMAIL. WE DO NOT WAIVE ANY CLIENT'S PRIVILEGE BY MISDELIVERED EMAIL. ALSO, WE NEVER GIVE TAX ADVICE.

From: [KELLY GONGLOFF](#)
To: ["Caleb Moore"](#)
Subject: RE: New Contact
Date: Thursday, October 6, 2016 11:18:10 AM
Attachments: [image001.gif](#)

Thanks for the response! I found it: SB17, (Chapter 158, Texas Finance Code - <http://www.statutes.legis.state.tx.us/docs/FI/htm/FI.158.htm>). Yes, there is an exemption for “a person making a residential mortgage loan with the person's own funds, or to secure all or a portion of the purchase price of real property sold by that person.” I don’t really see anything about a limitation on numbers. I do know they are subject to TRID if they make more than five mortgages a year, but I don’t see anything here related to servicing. It says it applies if they make “at least one residential mortgage loan.”

Thanks again! Sorry to bother you,

Kelly

Gongloff | Piechowiak Law, PLLC (a closing office for Integrity Title)
(682) 777-8130 (direct)

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From: Caleb Moore [mailto:cmoore@thedfwlawfirm.com]

Sent: Thursday, October 06, 2016 11:08 AM

To: KELLY GONGLOFF

Subject: RE: New Contact

I can't quote you the reg but yes, my understanding is there must be a license of some kind if servicing notes.. this is from attorney I rep. I other case. I have to reviewed reg myself yet.. I think there are exceptions related servicing own notes, but also related to total number. In my current case, his company servicing notes owned by multiple third parties.

On Oct 6, 2016 10:55 AM, "KELLY GONGLOFF" <KELLY@GPLawandTitle.com> wrote:

Quick question . . .something stuck with me from our conversation yesterday. You mentioned that the party servicing the loan doesn’t currently have a license to service them. Is a license always required to service loans? Even if you own the notes? Is there some threshold between personal and business servicing?

Kelly

Gongloff | Piechowiak Law, PLLC (a closing office for Integrity Title)
(682) 777-8130 (direct)

IF YOU ARE A CLIENT, THE ATTORNEY-CLIENT PRIVILEGE PROTECTS THIS EMAIL. THIS EMAIL ALONE DOES NOT CREATE AN ATTORNEY-CLIENT RELATIONSHIP. IF YOU HAVE RECEIVED THIS EMAIL BY MISTAKE, WE WOULD APPRECIATE IT IF YOU WOULD REPLY TO LET US KNOW, AND THEN DELETE THE EMAIL. WE DO NOT WAIVE ANY CLIENT'S PRIVILEGE BY MISDELIVERED EMAIL. ALSO, WE NEVER GIVE TAX ADVICE.

From: Caleb Moore [mailto:cmoore@thedfwlawfirm.com]

Sent: Wednesday, October 05, 2016 5:29 PM

To: KELLY GONGLOFF <KELLY@GPLawandTitle.com>

Subject: Re: New Contact

Discovery Records, Inc.

www.discoveryrecordsinc.com

1290 S. Main Street, Suite 108
Grapevine, Texas 76051
Ph. 817-424-3672 Fax 817-424-3692
Toll Free 866-4MEDREC

For: Nate Richards
Ferguson & Associates, LLC
62 Main Street, Suite 310
Colleyville, TX 76034

Records on: Brian H. Frazier

Records Location: Gongloff Piechowiak Law, PLLC
Type/Scope: ATTORNEY FILE

Your file: Frazier v Anson
Cause No. 342-288776-16

Records thru: 10/03/2018

FRAZIER ASSET MANAGEMENT, INC	§	IN THE DISTRICT COURT
	§	
	§	
VS	§	TARRANT COUNTY, TEXAS
	§	
	§	
ANSON FINANCIAL, INC.	§	342ND JUDICIAL DISTRICT

Copies of this record have been ordered by the following counsel(s):

Discovery Records File No. 187177

Volume I

Discovery Records, Inc.

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Toll Free 866-4MEDREC

Cause No. 342-288776-16

FRAZIER ASSET MANAGEMENT, INC	§	IN THE DISTRICT COURT
	§	
	§	
VS	§	TARRANT COUNTY, TEXAS
	§	
	§	
ANSON FINANCIAL, INC.	§	342ND JUDICIAL DISTRICT

NOTICE OF INTENTION TO TAKE DEPOSITION BY WRITTEN QUESTIONS

To: Plaintiff(s), by and through their Attorney of Record:
Caleb Moore
2205 Martin Drive
Suite 200
Bedford, TX 76021
817-934-7944 Fax 817-581-2540
And the witnesses as identified in the attached deposition(s)

You will please take notice that after (20) days from the service of a copy hereof with attached questions, a deposition by written questions will be taken of the witness: CUSTODIAN OF CASE FILE RECORDS FOR:

Gongloff Piechowiak Law, PLLC
1701 West Northwest Highway, Suite 100
Grapevine, TX 76051 682-651-8158

Before a Notary Public, or other Officer authorized to administer oaths, with Discovery Records Inc, 1290 S. Main Street, Suite 108, Grapevine, Texas 76051, or their designated agent; at the office of the summoned witness.

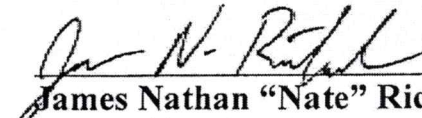
Which deposition with attached questions and exhibits may be used in evidence upon the trial of the above styled and numbered cause pending in the above named court. Notice is further given that request is hereby made as authorized under **Rule 200, Texas Rules of Civil Procedure**, to the Officer authorized to take this deposition to issue a **Subpoena Duces Tecum** and cause it to be served on the witness to produce:

ANY AND ALL RECORDS, DOCUMENTS, AND TANGIBLE ITEMS (INCLUDING ELECTRONIC OR MAGNETIC DATA), AS REQUESTED IN THE ATTACHED

EXHIBIT "A"

and turn such records over to the Officer authorized to take this deposition so that inspection and photocopying of the same may be made and attached to said deposition.

Respectfully submitted:


James Nathan "Nate" Richards
State Bar No. 24091810

Ferguson & Associates, LLC
62 Main Street, Suite 310
Colleyville, TX 76034
Phone 817-778-4159 Fax 817-485-1117
nate@fnalegal.com

Attorney for: Defendant,
Anson Financial, Inc.

Certificate of Service

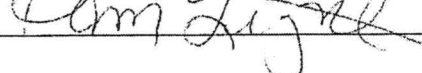
I certify that a true and exact copy of the foregoing Notice of Intention To Take Deposition by Written Questions was provided to the respective parties or attorneys of record, pursuant to Rule (21a), by:

_____ Certified mail, postage prepaid

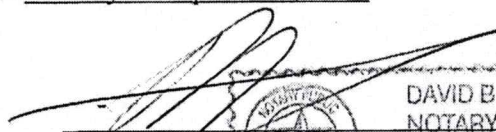
Date: 09/11/2018

_____ Hand delivery

X Telephonic document transfer

By: 

Sworn to and subscribe before me on this the 11th day of September, 2018.


Notary Public in and for the State of Texas
DAVID B MARTIN
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP. 10/17/18

Subpoena Duces Tecum

The State of Texas

To any Sheriff, Constable, or other person authorized to serve and execute subpoenas as provided in Rule 176, Texas Rules of Civil Procedure. Greetings:

You are hereby commanded to subpoena and summon the following witness:

Custodian of CASE FILE Records for:
Gongloff Piechowiak Law, PLLC
1701 West Northwest Highway, Suite 100
Grapevine, TX 76051

682-651-8158

to be and appear before a Notary Public with Discovery Records Inc., 1290 S. Main Suite 108 Grapevine, Texas 76051, 817-424-3672 fax 817-424-3692 or their designated agent, on or before twenty (20) days from the date of service hereof, at the office of the summoned witness, and there to give answers under oath to certain written questions being propounded, and to bring and produce for inspection and photocopying:

ANY AND ALL RECORDS, DOCUMENTS, AND TANGIBLE ITEMS (INCLUDING ELECTRONIC OR MAGNETIC DATA), AS REQUESTED IN THE ATTACHED

EXHIBIT "A"

Then and there to give evidence, at the instance of the Defendant in that certain Cause No. 342-288776-16 pending on the docket of the DISTRICT Court in the 342ND JUDICIAL DISTRICT of TARRANT County, Texas, styled:

FRAZIER ASSET MANAGEMENT, INC

VS.


ANSON FINANCIAL, INC.

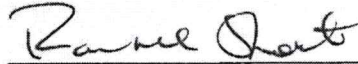
and there to remain from day to day and time to time until discharged according to law. This subpoena is issued under and by virtue of a notice duly served upon all parties according to law, and pursuant to Rule 509 (e) of the Texas Rules of Evidence.

Rule 176.8 Enforcement of Subpoena. (a) *Contempt.* Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena is issued or a district court in the county in which the subpoena is served, and may be punished by fine or confinement, or both.

Witness my hand

This the 11th day of September 2018


 Rachel Short
Notary Public, State of Texas
My Commission Expires
4-10-19


Signature of Issuing Officer, or a
Notary Public for the State of Texas

Requested by:
Nate Richards
Attorney for Defendant
State Bar No. 24091810

-----Officer's Return-----

Came to Hand this the 13th day of September, 2018 and executed by delivering a true copy hereof to the within
named witness: Christy. Returned this 13th day of September, 2018.

 MARK SCARBROUGH
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP. 10/23/19

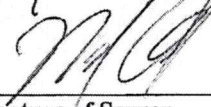

Signature of Server

Exhibit A

DEFINITIONS:

The term "FAM" can reference Brian H. Frazier individually, Frazier Asset Management, Inc., B. Frazier Management, LLC, and B. Frazier Management, Inc.

REQUEST FOR PRODUCTION:

1. The contract between Kelly Gongloff and/or Gongloff Piechowiak Law, PLLC and the following:
 - a. Brian H. Frazier
 - b. Frazier Asset Management, Inc.
 - c. B. Frazier Management, LLC
 - d. B. Frazier Management, Inc.
 - e. 287 Alvord Joint Venture
2. The referral agreement between the attorney and/or law firm that referred the case to Kelly Gongloff and/or Gongloff Piechowiak Law, PLLC regarding FAM and/or the 287 Alvord Joint Venture.
3. The referral agreement between Kelly Gongloff and/or Gongloff Piechowiak Law, PLLC and Caleb Moore regarding FAM and/or the 287 Alvord Joint Venture.
4. Kelly Gongloff's and/or Gongloff Piechowiak Law, PLLC's billing records regarding the following:
 - a. Brian H. Frazier
 - b. Frazier Asset Management, Inc.
 - c. B. Frazier Management, LLC
 - d. B. Frazier Management, Inc.
 - e. 287 Alvord Joint Venture
5. The referral fees paid to Kelly Gongloff and/or Gongloff Piechowiak Law, PLLC by Caleb Moore regarding FAM and/or the 287 Alvord Joint Venture.
6. The referral fees paid from Kelly Gongloff and/or Gongloff Piechowiak Law, PLLC to another attorney and/or law firm regarding FAM and/or the 287 Alvord Joint Venture.
7. Communications to or from Kelly Gongloff and/or Gongloff Piechowiak Law, PLLC regarding FAM and/or the 287 Alvord Joint Venture and the following:
 - a. Derek Hausheer
 - b. Ashleigh Renfro
 - c. Renfro Hausheer, PLLC
 - d. Ian Ghrist
 - e. Ghrist Law Firm, PLLC
 - f. DIA Servicing, LLC
8. Copies of payments from FAM and/or the 287 Alvord Joint Venture to Kelly Gongloff and/or Gongloff Piechowiak Law, PLLC.
9. Copies of checks paying referral fees to or paying referral fees from Kelly Gongloff and/or Gongloff Piechowiak Law, PLLC related to FAM and/or the 287 Alvord Joint Venture.

Discovery Records, Inc.

www.discoveryrecordsinc.com

1290 S. Main Street, Suite 108
Grapevine, Texas 76051
Ph. 817-424-3672 • Fax 817-424-3692
Toll Free 866-4MEDREC

Cause No. 342-288776-16

FRAZIER ASSET MANAGEMENT, INC.	§	IN THE DISTRICT COURT
	§	
	§	
VS	§	TARRANT COUNTY, TEXAS
	§	
	§	
ANSON FINANCIAL, INC.	§	342ND JUDICIAL DISTRICT

Direct Questions Propounded to the Witness, Custodian of CASE FILE Records for:

Gongloff Piechowiak Law, PLLC
1701 West Northwest Highway, Suite 100
Grapevine, TX 76051

1. Please state your full name, business address, telephone number, and title.

Answer: Kelly Gongloff, Attorney, 1701 W. NW Hwy #100 Grapevine TX 76051 (682) 651-8158

2. Did you receive a subpoena to appear and bring with you for inspection and photocopying:
ANY AND ALL RECORDS, DOCUMENTS, AND TANGIBLE ITEMS (INCLUDING ELECTRONIC OR MAGNETIC
DATA), AS REQUESTED IN THE ATTACHED

EXHIBIT "A"

Answer: Yes.

3. Have records in any form been made or caused to be made by Gongloff Piechowiak Law, PLLC?

Answer: Yes

4. Are you able to identify these records as the original or true and correct photostatic copies of the original?

Answer: Yes

5. Are these records under your care, supervision, direction, and custody or control; or at your access?

Answer: Yes

6. Were these records made and kept in the regular course of your business?

Answer: Yes

7. In the regular course of your business, did the person who signed or otherwise create these records have personal knowledge of the activity or event recorded in these records; or obtain the information to make the entries in these records from persons or sources who have such personal knowledge?

Answer: Yes

8. Were these records made at or near the time of the activity or event recorded on these records, or reasonably soon thereafter?

Answer: Yes

9. Please hand exact duplicates of all such records as outlined in the Subpoena Duces Tecum to the Officer taking your deposition, or the originals thereof for inspection and photocopying, so that they may be attached to this deposition. Have you done as requested?

Answer: Flash Drive provided as approved by Rachel Short

10. Have you been requested, or has it been suggested to you by any person (whether doctor, lawyer, patient or employee) that any part of the records subject to the subpoena be withheld or protected from discovery? If so, please provide the name, address and phone number of that person.

Answer: No

11. If you have not copied all of the records subject to this subpoena, please provide the name, address, phone number, department, or facility where these records can be located?

Answer: Check Deposit unavailable. See BBT.

[Signature]
Witness, Custodian of Records

I, Lisa Hoffman, a Notary Public in and for the State of PA do hereby certify that the foregoing answers of the witness were made by the said witness and sworn to and subscribed before me.

Given under my hand and seal of office on this the 2 day of October, 2018.

Lisa M Hoffman
Notary Public in and for
The State of PA
My Commission expires 9/11/22

Commonwealth of Pennsylvania-Notary Seal
Lisa M. Hoffman, Notary Public
Cambria County
My commission expires September 11, 2022
Commission number 1169468

Discovery Records, Inc.

www.discoveryrecordsinc.com

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Grapevine, Texas 76051
Ph. 817-424-3672 • Fax 817-424-3692
Toll Free 866-4MEDREC

Cause No. 342-288776-16

FRAZIER ASSET MANAGEMENT, INC	§	IN THE DISTRICT COURT
	§	
VS	§	TARRANT COUNTY, TEXAS
	§	
ANSON FINANCIAL, INC.	§	342ND JUDICIAL DISTRICT

AFFIDAVIT

THE STATE OF Pennsylvania §
COUNTY OF Cambria §

Re: **Brian H. Frazier**

BEFORE ME, the undersigned authority, personally appeared Kelly D. Gongloff,
Who, being by me duly sworn, deposed as follows:

My name is Kelly D. Gongloff, I am of sound mind, capable of making this Affidavit, and
personally acquainted with the facts herein stated:

I am the custodian of the records of Gongloff Piechowiak Law, PLLC.

* 1 FLASH DRIVE / CD

Attached hereto are 10,000 pages of records from Gongloff Piechowiak Law, PLLC.

These said 10,000 pages of records are kept by Gongloff Piechowiak Law, PLLC in the regular course of business, and it was in
the regular course of business of Gongloff Piechowiak Law, PLLC for an employee or representative of Gongloff Piechowiak
Law, PLLC with knowledge of the act, event, condition, opinion, or diagnosis recorded to make the record or to transmit
information thereof to be included in such record; and the record was made at or near the time of reasonably soon thereafter. The
records attached hereto are the original or exact duplicates of the original.

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me on the 2 day of October, 2018.

[Signature]
Notary Public Signature, State of PA

Lisa M Hoffman
Notary Printed Name

My commission expires: 9/11/22

Commonwealth of Pennsylvania-Notary Seal
Lisa M. Hoffman, Notary Public
Cambria County
My commission expires September 11, 2022
Commission number 1169468

Discfile/187177

Discovery Records, Inc.

www.discoveryrecordsinc.com

1290 S. Main Street, Suite 108
Grapevine, Texas 76051
Ph. 817-424-3672 Fax 817-424-3692
Toll Free 866-4MEDREC

Thomas A. Wilder
Tarrant District Clerk
Tom Vandergriff Civil Courts Building
100 North Calhoun, 5th Floor
Fort Worth, TX 76196

Cause No. 342-288776-16

FRAZIER ASSET MANAGEMENT, INC	§	IN THE DISTRICT COURT
	§	
VS	§	TARRANT COUNTY, TEXAS
	§	
ANSON FINANCIAL, INC.	§	342ND JUDICIAL DISTRICT
	§	

Re: Deposition by written questions propounded to the Witness:
Custodian of ATTORNEY FILE Records for: Gongloff Piechowiak Law, PLLC

Pertaining to: Brian H. Frazier

The deposed witness was duly sworn in and the attached transcript is a true recording of the testimony given by the witness. The deposition was signed by the witness and submitted on 10/30/2018. Any changes made by the witness are incorporated and attached to the original. The original transcript and copies of all exhibits have been returned to the party who asked the first question for use at trial. A copy of this certification is being provided to all parties in accordance with TRCP Rule 203.3. The charges for preparing the original deposition are hereby submitted as taxable court costs, at the instance of the Defendant, by and through attorney of record: Nate Richards, Bar Number 24091810 and Total \$1,283.50.

cc: Caleb Moore, 2205 Martin Drive, Suite 200 Bedford, TX 76021

Fax 817-581-2540

I certify that a true and correct copy of the foregoing instrument was served and delivered to all parties of record.

Date: 10/30/2018

By: Rose m. K
court filing@discoveryrecordsinc.com

DiscFile 187177

Notary Public in and for the State of Texas
My commission expires: 10-17-2022

DAVID B MARTIN
NOTARY PUBLIC
STATE OF TEXAS
NOTARY ID 191557-4